

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHRIS WAYNE SHUFFIELD

Petitioner,

VS.

DIRECTOR, TDCJ-CID,

Respondent.

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CIVIL ACTION NO. 6:08cv180

MEMORANDUM OPINION AND
ORDER OF DISMISSAL

Petitioner Chris Wayne Shuffield, an inmate confined in the Texas prison system, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He filed the petition for the purposes of challenging his capital murder conviction and death sentence imposed by the 102nd Judicial District Court of Bowie County on February 4, 2003. Following a remand, the conviction was affirmed on direct appeal. *Shuffield v. State*, 189 S.W.3d 782 (Tex. Crim. App. 2006), *cert. denied*, 549 U.S. 1056 (2006). The Texas Court of Criminal Appeals denied his post-conviction application for a writ of habeas corpus. *Ex parte Shuffield*, No. WR-69,454-01, 2008 WL 1914747 (Tex. Crim. App. Apr. 30, 2008).

The present proceedings were begun on May 8, 2008. On August 26, 2010, the Court stayed the proceedings in order to give Shuffield the opportunity to return to state court to pursue an unexhausted claim pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). The Texas Court of Criminal Appeals subsequently granted Shuffield's application for a writ of habeas corpus and remanded the

case for a new punishment hearing. *Ex parte Shuffield*, No. WR-69,454-02, 2014 WL 2126630 (Tex. Crim. App. May 21, 2014).

In light of the decision by the Texas Court of Criminal Appeals, this Court issued an order on May 30, 2014 giving the parties fourteen days to object to the dismissal of the petition without prejudice as moot. No objections have been filed. “[A] case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Powell v. McCormack*, 395 U.S. 486, 496 (1969). The state court judgment issued by the 102nd Judicial District Court of Bowie County imposing the death penalty has been vacated, and a new punishment hearing has been ordered. Consequently, Shuffield no longer has a final judgment, and his petition for federal habeas corpus relief is moot. It is therefore

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice as moot. It is further

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 18th day of June, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE